Mr. K. P. Kannan Nayar *(Secretary to Government).*—I second it.

Motion was put and carried.

Deputy President.—The Deputy President will be the Chairman of the Committee and the Committee is to report within two months.

The Cochin Fisheries Act Amendment Bill.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—Sir, I beg to present the Select Committee report on the Cochin Fisheries Act Amendment Bill and move that the Bill as amended by the Select Committee be taken up for consideration.

Mr. George Parakkal *(Narakkal).*—I oppose it.

Mr. K. Achyuta Menon *(Diwan Peishkar).*—Mr. President, Sir, the Bill, to put it very shortly, is an attempt to tax or license fishing of a particular kind, fishing carried on in wet lands in the coastal areas of this taluq mostly, because this kind of fishing, so far as I know, does not prevail in the Northern taluks, but prevails only to a very small extent in the Mukundapuram taluk. This fishing is almost exclusively carried on in the Cochin Kanayannur Taluk. It has reference to the fishing of a particular kind known as prawn fishing.

If the Hon'ble Members want some idea of it that can also be easily given. It will be of some help to the members who come from the northern taluks. The wet lands of this taluk are peculiar. In the northern taluks the wet lands are nilams, on which two crops are raised. One harvest in Kanni and the other in Makaram. In the areas here, the presence of backwater makes it all different. The lands can be successfully cultivated for one crop only and it is sown in Mithunam and harvested in Dhanu-Makaram. As soon as the first crop is taken, the land becomes available for another kind of cultivation., i. e., to say they capture prawn in these lands and it is carried on in an extensive scale in this taluq. The process being that a few owners join together and bund up the whole area and in the bund facing the backwater a small slit will be opened. During high tide, water gets into the wet lands and at low tide, water goes out. Nets are then placed in the opening and the fish is caught. It is a very profitable business and the coffers of the owners are well-filled after these operation. It is an extra-ordinary kind of use of nilams, very profitable to the

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land-owners. It is to tax this kind of use that this bill has been introduced. This taxation is sought with a clean conscience. Although taxation generally meets with opposition every where, I do not apperhend any such thing in this case, as I feel that if there is any tax that can be called legitimate, it is this one.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—Do you concede that they are already taxed?

Mr. K. Achyuta Menon (*Diwan Peishkar*).—All tax works hardship. I take for instance, men like the Deputy president or Mr. M Sivarama Menon, not as members of the Council, but as owners of these lands. Do you think they will agree to this tax? They I suppose might object to this Bill in their individual capacities. Would you be disposed to hear them? Certainly not. I am simply taking an hypothetical case. But one thing is certain. No Government or legislative council has ever yet succeeded in taxing a man with the consent of the man himself. If I want to tax Mr. Ayyappan for instance I know I cannot do it with his consent. The precise point for consideration here are two, whether the tax is legal and permissible and whether it will work hardship to the owners. A mere glance at the Select Committee report will show (my personal enquiries confirm it) that the income derived by these users range from Rs.12 to Rs. 50 per acre. That is my difinite information. We, members of the Select Committee made extensive investigations by interviewing witnesses and the evidence has convinced us that the estimate is even moderate. The only question then is whether we are legally justified in imposing the tax. I am anticipating the points that may be raised. Therefore I may as well go through that ground also. There were two objections mainly. It was first contended that the Government had no right to levy this tax, because these lands already pay the land-revenue assessment. I have attempted to answer that in the Select Committee. There is no point in that argument for the simple reason that what was settled at the land revenue settlement was only surface cultivation. These lands are assessed only as one-crop lands. They are raising an extra-ordinary second crop as it were and so they can be legitimately taxed. There is thus no point in the objection that because these lands are taxed once, you cannot tax them again. The only other question that has to be decided is, is this tax just, ethical and will the lands bear this tax and if it will, what should be the scale? The tax that is proposed is very moderate ranging from 8 as. to two or three rupees. By way

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of supplementing my argument, I may also say that land-owners in the northern taluk do labour under the same handicap, because they have to pay for the second crop. This taxation was never considered illegal, even though they raised the the point that their lands have been settled as one-crop lands. Precisely the same conditions prevail here. At the time of settlement the prawn industry had not developed to the extent it has now. The industry has, since then been able to secure a sheltered market in Burmah. That state of things came after the settlement. Therefore we think we can legitimately tax. It is called only a license fee. Another aspect of the question is that persistent complaints are being received from the Valans and Arayans that this prawn-catching does injury to their stakes planted in the backwaters. The investigations made by the Select Committee also show that the complaint is not entirely without foundation. It is obvious that the fish which get into the wet land cannot come out without being caught. They are caught during high tide and the stake-owners do not get them. Prawns get into the wet lands and there with the aid of artificial and high power lights, they are extensively captured. Although some prawn is available for stake-fishing the old quantity is not available. Now this Bill will regulate the unlimited use of wet lands by the owners. I do not expect that with this slight tax fishing will be discontinued. There are some who maintain that even a higher tax would have been perfectly justified. We do not go to that extent. The income that will be derived by the Government can be spread out in public utilities more especially among the fishermen for improvment of fishing industry generally.

Mr. M. Sivarama Menon *(Ernakulam South).*—Will the whole amount derived out of this be ear-marked for that?

Mr. K. Achyuta Menon *(Diwan Peishkar).*—I cannot give any assurance that the whole amount or any portion will be set apart for that. The matter will be considered by Government at the proper time. First of all we must know what amount will be avaliable to give increased amenities to fishermen. To those who have the cause of fishermen in their hearts, this taxation will not be obnoxious.

Mr. M. V. Cherian *(Mattancheri South).*—What is the anticipated revenue?

Mr. K. Achyuta Menon *(Diwan Peishkar).*—It is dificult to state with precision. The minimum that is expected

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is Rs. 8,000. It might go up to Rs. 20,000 if we reach the maximum. This could be had without any oppression or heart-burning.

മിസ്റ്റർ വി. കെ. കുട്ടി *(Muslims)*.— ഇപ്പോൾ ലൈസൻസ്സുള്ള കാരം എണ്ണം കിട്ടുന്നുണ്ടു്?

Mr. K. Achyutha Menon *(Diwan Peishkar)*.—A little over one thousand eight hundred rupees or somewhere there.

Mr. George Parakkal *(Narakkal)*.—Sir, I oppose the consideration of this Bill. Before dealing with the bill, I have to refer to one or two facts.

The bill referred to the Select Committee was one which purported to amend section 5 of the Fisheries Regulation. The fisheries Act is one which purports to regulate fishing in Government waters. It is not at all a taxing Regulation. What was sought to be achieved by the amendment of section 5 was to extend the jurisdiction and ownership of the Government into the waters of the private field-owners and the question of taxation was not directly before the Council or in the Bill. This difficulty was felt in the Select Committee. Para 3 of the Select Committee report is 'Doubts were expressed by some of the members at the time of the discussions whether the amendments now proposed would furnish the necessary back-ground for what they called a taxing statute. To remove all doubts, we have decided to allow the Section now sought to be amended to remain as it is and to introduce a new section to achieve the object in view. Regard being had to the faet that the Act, when introduced, would create a new impost, we have decided to recommend that the license fee should be fixed as low as possible and have prescribed a fee of three rupees per acre.' I request the House, permission to re-submit this again to the Select Committee, because the original Bill was not a taxation Bill that was referred to the Select Committee. The amendment referred to the Select Committee is left as it is and in its place the Select Committee has returned to the Council a new Bill and that also a direct taxing bill. I would say that this is an incorrect and extra-ordinary procedure. The proper thing for the Government would have been to come to the Council with a taxing bill and not placing before the Council for consideration a bill which originally did not purport to be a taxing bill direct, but converted into a taxing bill in the Select Committee. Even now I would request the Government not to proceed with the consideration of this improper bill, but to come again to the Council with a taxing bill in the first instance and then we cannot say whether this house would refer it even to a Select Committee.

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Sir, my next objection is that this bill is a violent encroachment on the side of the Government into the rights of the private landholders. In his separate note the Diwan Peishkar mentions thus " The object aimed at by the amendment is the removal of all existing obstacles in the way of Government in the matter of regulating and imposing license fees on fishing carried on in what are alleged to be private waters. " According to the Diwan Peishkar the waters in the private paddy fields are only alleged to be private waters but I strongly maintain that they are not alleged, but actually private waters over which Government has no ownership. Regarding license fees, Government is even now collecting license-fees when the nets of the private owners encroach into Government waters. The whole idea of this bill is to extend the ownership of the Government existing in Government waters to the waters in the private paddy fields and thus to tax the people carrying on fishing in their private fields. I would say that this is a violent inroad into the proprietory rights of the private land-holders of the State and undermine the guarantees and security of private holdings. Today the Government can legislate that the whole private lands belong to the Government even as poromboke lands and so long as legislation has power nobody can or may question the validity of that. This extension of Government ownership into the waters collected in the fields of the private land-holders is not less atrocious than that.

Sir, again I would hold that this taxation is against the solemn assurance of His Highness the Maharaja so graciously granted to his beloved subjects in the Settlement Proclamation: ' To secure to our landholders the utmost freedom of action in improving their properties and turning them to the best advantage according to their means and inclination, We hereby declare that the new settlement shall be current for a term of thirty years. During this period the assessment shall not, in any way, be enhanced on the ground that Payattupattam Paramba has been converted into Nilam or has been planted with taxable trees or that Nilam has been converted into Paramba, or that more trees have been planted than those already assessed. In short no interference of any kind will be permitted with the new settlement when it is completed, for the next thirty years.' In the note by the Hon'ble the Deputy President he says, " The Settlement Proclamation will not in my opinion stand in the way of the new demand". Sir, I fully understand that even with this Proclamation if the Government wants, it can create fresh imposts. But I question the guarantees implied in the Proclamation. According to the Proclamation a new impost can be made only when it is a case of second-crop. Regarding the fact whether prawn cultivation is a second crop, the hon'ble Deputy President says in his note

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" I cannot agree with the suggestion that prawn fishing is equivalent or analogous to paddy cultivation and may be regarded as a Second crop". The Diwan Peishkar has a double case for taxing. The one is that this is a second crop. If this position is not appreciated then he says that this is an extra-ordinary use of land and as such taxable. Under section 10 of the Settlement Proclamation a new impost can be created only in case of a second crop. This certainly is not a second crop and as such any further taxation is ultra vires and far from the idea of this fresh taxation which militate against the assurances and guarantees implied in the Settlement Proclamation regarding further tax.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ *(Ezhuvas North)*.— ഒരിക്കൽ സിലക്ററു കമ്മറിയ്ക്കയച്ചപ്പോൾ എന്തുചെയ്തു ?

Mr. K. Achyuta Menon *(Diwan Peishkar)*.—There is no question of ultra vires here. The Fisheries Regulation, as it stood, exempted fishing in private waters. The Government thought that such exemption was no longer necessary. By this regulation, we regulate fishing even in private waters. In the Select Committee the Deputy President merely pointed out that in strict fairness the Government should bring in a separate Act instead of this amendment to introduce a tax.

Mr. George Parakkal *(Narakkal)*.—The Fisheries Act as it is is not a Taxing Act.

Mr. K. Achyuta Menon *(Diwan Peishkar)*.—It is. It says you shall not fish in Government waters without taking license.

Mr. George Parakkal *(Narakkal)*.—Is licensing, taxing?

Mr. K. Achyuta Menon *(Diwan Peishkar)*.—It is a distinction, without a difference.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri)*.—May I know whether paddy cultivation on these lands is affected by this process?

Mr. K. Achyuta Menon *(Diwan Peishkar)*.—It does not affect it in any way. Generally what is done is that they sow their paddy in Mithunam and reap it in Makaram the fishing season commences from Makaram onwards, and it lasts till Mithunam. From this fishing they get nearly 10 times the income they get from paddy and that at the expense of the other people.

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Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—Are these lands in the possession of owners, or are they in the hands of Verumpattom-holders?

Mr. K. Achyuta Menon *(Diwan Peishkar).*—Some are in the possession of the actual holders of the land, i. e., pattadars and some others are in the possession of Verumpattom-holders, and I may say some good land-holders like Paliyam are realising from the tenants only the old rents, but some others are deriving an enhanced pattom from these lands. Now-a-days some land-holders are not leasing out their lands at the old rate, because they know that they can make a good amount if they allow fishing.

Mr. George Parakkal *(Narakkal).*—Since Government is not willing to re-submit it to the Select Committee, I am continuing my arguments.

Sir, the prawn cultivation by itself is profitable. But here when we tax the field owners, we have to look at the taxable capacity of the agriculturists. Originally we used to get on an average a yield of 14 to 15 paras from the field of one para. But now the average is seldom more than 8 or 9 paras. When the yield from the paddy fields began to diminish the agriculturists began to look out for other ways of yield from the paddy fields. And this explains the growth of prawn fishing in the latter years. What was lost in the yield of the field was approximately made up by the income from prawns. The pattom for as para of Paliyam field is 7 paras plus tax Rs. 6-4-0. How is it possible from a yield of 8 or 9 paras to pay this pattom unles it be from subsidiary income like this? During the time of settlement the prawns existed in the fields but as the yield from the paddy was ample nobody seriously diverted to field fishing as they were forced to do when the yield decreased. So the income of the agriculturists at present is not even with the income from the prawns one pie more than it was at the time of the Settlement. So the taxable capacity of the agriculturist has not improved and this tax will crush and will be the ruin of the struggling agriculturists.

The Deputy President so pertinently points out in his note, para 2 that "Prawn fishing can be regarded only as an industry and should be liable in the ordinary course of things only to be assessed upon the income derived under the Cochin Income-tax Act". This industry is being now taxed by the Income-tax Department. So this tax is the third tax on the Nilams. Over and above this the Government is realising license fees for nets at

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Rs. 4 and 8 annas and the Public Health Department realises a license fee for boiling and drying the prawns. Even now the imposts on field-owners are crushing and this new tax will be their death-knell.

The question of taxing the Nilams with reference to prawn fishing is really very complicated. The Nilams will have to be graded into very many tarams for taxation, because the catch is different with Villages and locations. Instead, it would be to the advantage of the Government to give encouragement to this industry in all possible means at present and consider the question of enhancement in tax if conditions permit at the time of the next settlement.

(At this stage the Hon'ble the President occupied the Chair.)

Mr. George Parakkal *(Narakkal)*.—Sir, as I have already shown the income of the agriculturists from the fields including the prawns is not one pie more than the income during the time of settlement. The area of field-fishing is along the coastal regions where the cocoanut is the main income. The abnormal fall in the price of cocoanut has crippled the people of this locality. Stable families can be numbered on finger's end in this area. All are in the path of ruin. The crop in the last season has completely failed. In my family the average yield was 3 paras of paddy. When people are thus confronted with destruction, when they have no means of livelihood, when ruin stares them in the face, when all look up to the Government for tax remission, I implore the Government not to exasperate the agriculturists by exploring means of tax-enhancement which it is impossible for them to bear.

* **Mr. P. Govinda Menon** *(Adur)*.—Sir, I do not agree with any one single of the several reasons adduced by the Diwan Peishkar in imposing a new taxation upon prawn fishing. But I agree with him that the tax should be levied. The learned Revenue Member was saying that prawn fishing is an extra-ordinary usurping of land on account of that. He wanted to justify the imposition of this new tax. I do not think that it is usurping the land at all. As the Deputy President in his note to the report said, it is an industry really. And as such I think Government will be justified in taxing that industry if the income from that source is sufficient to justify that tax. I do not think if my hon'ble friend for Narakkal

* Speech not corrected by the Hon'ble Member.

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would concede that the owners of this prawn industry are really paying income-tax. Then I think he is losing very much of his ground, because it should be a very profitable industry if it is yielding more than Rs. 2,000 a year. So I think that in taxing the industry, the Government will be justified. I think now that this field fishing is an encroachment upon the backwaters. It is agreed that the prawn is not produced in the field. The prawn really belongs to the backwater and it is from the backwater that prawn gets into the fields. It is a time-honoured story of a hen belonging to A laying eggs in the compound of B and B claiming the eggs, because it is produced in his compound. I think the Government is levying a license fee for catching fish in the backwaters. There is no reason why the owners of these lands who produce the prawn could not be taxed when the fish caught in their fields is from the backwaters. The raising of crops in the northern taluqs is absolutely a different matter. As I submitted in the very beginning, it is not usurping on the land at all. It is only an industry carried on by certain land-owners. I think the Government will be justified in imposing this new tax. Therefore, although not agreeing with the Diwan Peishkar for the reasons he had given for levying this new tax, I think I must support this motion.

Mr. K. Achyuta Menon *(Diwan Peishkar)*.—The Hon'ble Member for Narakkal has taken objection to the legal right to tax this kind of use. He referred to the Settlement Proclamation. The moment one looks at the Settlement Proclamation, one will be convinced that there is nothing in the point raised. Niloms are defined as lands where paddy is raised. And it is also stated that the settlement is for a period of 30 years only. It will also be seen that that settlement period of 30 years is over in most of these areas. Therefore this assessment on wet lands, so defined in the Settlement Proclamation, cannot offend the Settlement Proclamation. I am really indifferent whether my arguments are acceptable or not? I am happy to hear that the Hon'ble Member for Adoor accepts my conclusions. I do not object to prawn fishing being looked upon as an industry. But it is an industry in which is involved a kind of use of the land. The main point is it is Government water that finds its way into their lands. The Hon'ble Member for Adoor might word it in whatever way he likes. I submit the tax would be acceptible to the good sense of the house.

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* **Dr. A. R. Menon** *(Pallippuram).*—Sir, I was a member of that Select Committee and I was very much interested in the case, as it affected the people in my constituency. I may at the very outset assure the house that I approached the Bill with a look of hostility. But when evidence was taken, I was compelled to change my mind and to support the Government. My position is rather very difficult. If this Bill is supported by me certainly it will affect adversely my constituency. But when it is a question of interest of a constituency and the interests of the whole State, I have no hesitation whatever as to what should be my line of action. I have therefore gone into the question with an open mind and I have endeavoured to make out that this bill was unnecessary. But circumstances and evidence adduced before us compelled me to take a different view altogether. I am a supporter of this measure and I have signed the report without any additional pressure. What was the position in the Committee itself? There were three sections. There was one section which was absolutely hostile to the imposition of any tax whatsoever. There was another section which demanded that a prohibitory penal tax should be imposed so that this industry may be destroyed. These are the two extremes, and in the middle between the devil and the deep sea one or two of us had to manage. The position adopted by one section is that by this industry a large number of the people of the Vala Community were rendered helpless, because the method adopted in capturing the prawns is very cheap and very convenient and there is no other means whatsoever to cope with this kind of fishermen by ordinary fishermen. Therefore, they said this industry on which they lived from time immemorial should be protected by Government and that protection can only be conferred by the imposition of a heavy penal tax. We did not go so far. We took a wider view and thought that this industry specially confined to the shores of Travancore and Cochin should be taxed. It is a very profitable industry and a large quantity of fish is exported to Burmah. There is a chance that this industry will in course of time develop as a first class industry of the State. Therefore we were not prepared to go to the length of listening to the representation made by the Vala Community who just to safeguard themselves recommended to the Government a heavy imposition of this tax. But what is the reason for recommending to this Council that a tax may be imposed? We must be in a position to prove that those who are engaged in this industry get a

* Speech not corrected by the Hon'ble Member.

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reasonable margin of profit from the fisheries. If so, I think that the State has a right to take a share of that profit because when all is said and done, water belongs to the State and the fish also, I believe, in general. Where it belongs to the State, the State has a right to take a share. Do they make a profit? We have made exhaustive enquiries. Witnesses after witnesses were subjected to cross-examination and nobody told us that it is not a profitable industry. The profit ranges between Rs. 20 to 40 rupees per acre. The amount recommended is only from 8 annas to rupees 3. Will the House hold that it is a heavy imposition? Will the House hold that it is a hardship upon those people who carry on this industry? Another point raised is by utilising this land, the profit of the land is lowered to some extent. Surely it is lowered to some extent but not to the extent that they wanted to make out. My point is if it is admitted that the profit of the land is lowered, Government have a right to improve the land because they spoil the land. They say that the profit of the land is lowered but we must know how it was lowered. It is by this fishing. Therefore the inherent value of the land is reduced. The Government have a right to get something for spoiling the land. Therefore viewing the matter from every point of view you will find that a case has been made out to levy a tax and the rate of tax proposed is in all conscience a very reasonable one. I do not know much about the legal interpretation about these things. One point raised is because of the Settlement Proclamation, anything can be done on the land. I do not hold that view is a correct one. What it means and what the legislature intends is that the land can be converted into any kind of land for cultivation purposes. For example a paramba can be converted into a paddy field. A single crop land can be converted into a double crop land. But you cannot convert a land into a fishing pond and then say according to the Proclamation Government are not entitled to interfere. I hold that it is a far fetched idea. Legally, I do not know. But as an ordinary man, speaking with a common sense view of the question, I think that is beyond the scope of this interpretation and of the intention of the Proclamation. Therefore that point also cannot be taken. Unless I was satisfied that a real case has been made out, the House may rest assured that I will not be a party to it. I certainly feel for the interests of my constituency but we are satisfied that a case has been made out that a tax has to be imposed very legitimately and the amount of tax proposed is also very moderate. For these reasons we recommended to the Government and to the House in the Select Committee in an imposition of this taxation.

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I think if the House will consider and ponder over this question they will find there is no hardship intended or resulting from the passage of this measure. There is another way of putting it. The whole industry is practically in the hands of a few people, who do not even pay a portion of their profit to others, the landlord employs coolies and workmen. But the major portion of the profit goes as an unearned income, to those who hold the land. Can you make out a stronger case for the imposition of this tax? Therefore, the House, I hope, will take into consideration all these various aspects and will pass this measure, a measure which is injurious to the interests of my own constituency.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ (*Ezhuvas North*).— സർ, ഗവമ്മെൻറുഭാഗത്തുനിന്നു അവതരിപ്പിച്ചിട്ടുള്ളതും സിലക്ടു കമ്മിറ്റി വേണ്ടതുക്കു ഭേഗതികളോടുകൂടി ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ളതുമായ ഈ ബില്ലിനോടു ഞാൻ പൂർണ്ണമായി യോജിക്കുന്നു. ഞാൻ ഈ ബില്ലിനോടു അനുകൂലിക്കുന്നതിനു പ്രധാനമായി രണ്ടു കാരണങ്ങളാണുള്ളതു്. ഒന്നാമതു്, പൊതുജനക്ഷേമത്തെ മുൻനിറുത്തിക്കൊണ്ടു് ഗവമ്മെൻറുഭാഗത്തുനിന്നു് ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ള ബില്ലിനെ ഗുണദോഷവിവേചനംചെയ്തുകൊണ്ടു് അനുദ്യോഗസ്ഥപക്ഷത്തുനിന്നു് അതിനെ അനുകൂലിക്കുക; അതാണു് അനുദ്യോഗസ്ഥന്മാരുടെ മനോധർമ്മം എന്നു ഗവമ്മെൻറിനെ മനസ്സിലാക്കാൻവേണ്ടിയാണു്.

രണ്ടാമത്തെ ന്യായം, ശത്രുവിനെ സ്നേഹിക്കുക എന്നുള്ളതാണു്. സിലക്ടു് കമ്മിറ്റി ചെയർമാൻറെ പ്രത്യേക നോട്ടിൽ ഉദ്ദേശം ഇരുപതിനായിരം രൂപായോളം വരവുണ്ടാകുമെന്നു പ്രതീക്ഷിക്കുന്നതായി കാണുന്നുണ്ടു്. എൻറെ അന്വേഷണത്തിൽ ഉദ്ദേശം അമ്പതിനായിരം രൂപായോളം ഗവമ്മെൻറിലേക്കു കിട്ടുവാൻ മാർഗ്ഗമുണ്ടെന്നാണു് ഞാൻ മനസ്സിലാക്കിയതു്. ഗവമ്മെൻറിനു ആദായംകിട്ടുന്ന കാര്യത്തിലല്ല ഞാൻ ഇതിനെ അനുകൂലിക്കുന്നതു്. എന്നാൽ ഈ സംഖ്യ കൊച്ചിരാജ്യത്തിലെ മത്സ്യവ്യവസായത്തെ പ്രോത്സാഹിപ്പിക്കുന്നതിനുവേണ്ടി ചിലവുചെയ്യാമെന്നു അഭിപ്രായം ഗവമ്മെൻറുഭാഗത്തുനിന്നു് പറഞ്ഞതുകൊണ്ടും അങ്ങിനെ ചെയ്യുമെന്നു വിശ്വാസമുള്ളതുകൊണ്ടുമാണു് ഞാൻ ഇതിനെ അനുകൂലിക്കുന്നതു്. ഗവമ്മെൻറിനു് ആദായകരമായ ഏതെങ്കിലും ഏർപ്പാടുണ്ടെങ്കിൽ അതിനെ നടപ്പാക്കാൻ നോക്കേണ്ടതു് അത്യാവശ്യമാണു്. നമ്മുടെ ആവശ്യങ്ങൾ വർദ്ധിച്ചു വർദ്ധിച്ചു വരുന്നു; എന്നാൽ അതിനു പണത്തൊർല്ലഭ്യം ശക്തിയായിട്ടുംവരുന്നു. പൊതുജനങ്ങൾക്കു പരക്കെ ദോഷകരമാകാത്തതും സകല ജനങ്ങൾക്കും വേലയെ ഉണ്ടാക്കുന്നതുമായ ഇങ്ങിനെയുള്ള ആദായം സമ്പാദിക്കുവാൻ കഴിയുമെങ്കിൽ തീർച്ചയായും ഇങ്ങിനെയുള്ള ആദായം പിരിച്ചെടുത്തു് പൊതുജനക്ഷേമകരമായ പ്രവൃത്തികൾക്കു് വിനിയോഗിക്കേണ്ടതാണു്. എന്നാൽ അതേസമയത്തു് എനിക്കു ഗവമ്മെൻറിനോടുപേ

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ക്ഷിക്കുവാനുള്ളതു് പണം കിട്ടിക്കഴിഞ്ഞാൽ അതു് ഉദ്ദിനിയോഗം ചെയ്യാതെ ഗവമ്മെൻറു് ആദ്യം നിശ്ചയിച്ചിട്ടുള്ള മാർഗ്ഗത്തിൽക്കൂടിതന്നെ ചിലവുചെയ്യണമെന്നാണു്.

ഈ കൊച്ചീ രാജ്യത്തെ മത്സ്യവ്യവസായത്തെ പ്രോത്സാഹിപ്പിക്കുന്നതിനു വേണ്ട പണം ചിലവുചെയ്യണമെന്നു ഈ നിയമസഭതന്നെ എത്രയൊ നാളായി മുറവിളി കൂട്ടിക്കൊണ്ടിരിക്കുന്നു. ഈ വ്യവസായത്തിൽ ടെയിനിംഗ്ഗ് കഴിഞ്ഞുവന്നിട്ടുള്ളവരും കൊച്ചീരാജ്യത്തുണ്ടു്. എന്നാൽ ഈ വ്യവസായത്തെ പ്രോത്സാഹിപ്പിക്കുന്നതിനു് ഇതേവരെ ഒന്നും ചെയ്തിട്ടില്ല. ഈ ഇനത്തിൽനിന്നും ഉണ്ടാക്കുന്ന പണം കൊച്ചീ രാജ്യത്തെ അതിപ്രധാനമായ മത്സ്യവ്യവസായത്തെ പ്രോത്സാഹിപ്പിക്കുതിനുവേണ്ടി വിനിയോഗിക്കണമെന്നാണു് എനിക്കു പറയാനുള്ളതു്. ചെമ്മീൻ പിടിത്തംകൊണ്ടു കൃഷിക്കു യാതൊരു ദോഷവും നേരിടുകയില്ലെന്നു് ദിവാൻപേഷ്ക്കാർ അവർകൾ ഇവിടെ പരസ്യമായി പറഞ്ഞു. തെങ്ങിൽനിന്നും പറമ്പിൽനിന്നും ഗവമ്മെൻറിനു നികുതി കിട്ടുന്നുണ്ടു്; ഒരു തെങ്ങിനു രണ്ടണവീതം ഗവർമ്മെൻറിലേക്കു നികുതി കൊടുക്കണം. ഇതൊക്കെ കൊടുക്കുന്നുണ്ടെങ്കിലും തെങ്ങിൽനിന്നു് മദ്യം എടുക്കുന്നതിനു ഒരു പ്രത്യേക നികുതി ഗവർമ്മെൻറിനു കൊടുക്കുന്നുണ്ടു്. ഇങ്ങിനെ പ്രത്യേകമായി ചുമത്തുന്ന ഈ നികുതിയെ സാധൂകരിക്കാൻ എല്ലാവർക്കും സമ്മതമാണെങ്കിൽ എന്തുകൊണ്ടു് ഈവിധത്തിലൊരു നികുതി ചുമത്തുന്നതിനെ മറുള്ളവർ എതിർക്കുന്നു?

മിസ്റ്റർ വി. കെ. കുട്ടി (*Muslims*).— മദ്യം ഏടുക്കുന്ന തെങ്ങിൽനിന്നു് തേങ്ങ ഇടുവാൻ സാധിക്കുമോ;

മിസ്റ്റർ കെ. എസ്സു്. പണിക്കർ (*Ezhuvas South*).— അതിനു പാട്ടം കിട്ടുന്നുണ്ടു്. ഒരു തെങ്ങു ചെത്തുവാൻ കൊടുത്താൽ ൻ രൂപാ കിട്ടും. അങ്ങിനെയുള്ള നികുതി ചുമത്താമെന്നുണ്ടെങ്കിൽ ഈ നികുതി ചുമത്തുന്നതിൽ യാതൊരു വിരോധവുമില്ല. ഇതു് ആദായകരമായ ഒരേർപ്പാടാണെങ്കിൽ. എന്തുകൊണ്ടു കുറെക്കൂടി നികുതി കൂട്ടുവാൻ പാടില്ല എന്നാണു ഞാൻ ചോദിക്കുന്നതു്. ഈവക ന്യായങ്ങളെക്കൊണ്ടു ഇതു അത്യാവശ്യമാണെന്നു തെളിയുന്നുണ്ടു്.

ഇതു രണ്ടാമതും ഒരു സെലക്ടു കമ്മിറ്റിക്കയക്കണമെന്നു ആദ്യം ഒരഭിപ്രായം ഇവിടെ പറഞ്ഞുകേട്ടു. ആ അഭിപ്രായം കേട്ടപ്പോൾ എനിക്കു വളരെ വ്യസനംതോന്നി. പണമില്ലാതെ കഷ്ടപ്പെടുന്ന ഇക്കാലത്തു ഇതു വീണ്ടും സെലക്ടു കമ്മിറ്റിക്കയച്ചു് അനാവശ്യമായി പണംചിലവിടുവാൻ വിചാരിക്കുന്നതു വളരെ കഷ്ടമാണു്. ആദ്യം സെലക്ടു കമ്മിറ്റിക്കയച്ചപ്പോൾ അതിലെ മെമ്പർമാർ ഉറങ്ങുകയായിരുന്നുവോ? അവർ എന്തുകൊണ്ടു ഈവക കാര്യങ്ങൾ ആലോചിച്ചില്ല. ഇതു സെലക്ടു കമ്മിറ്റിക്കു വീണ്ടും അയക്കണമെന്നു അഭിപ്രായം

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തന്നെ അനുഭ്യോഗസ്ഥപക്ഷത്തിൽനിന്നു വരുവാൻപാടില്ലാത്തതാണ്. ഇതുയും പറഞ്ഞുകൊണ്ടു ഞാൻ ഈ ബില്ലിനെ അനുകൂലിക്കുന്നു.

Motion that the Bill be taken into consideration was put and agreed to.

Mr. M. Sivarama Menon *(Ernakulam South).*—A poll, Sir.

POLL.

Ayes.	Noes.
1. Mr. K. Achyuta Menon.	1. Mr. George Parakkal
2. ,, V. K. Achyuta Menon.	2. ,, P. Kumaran Ezhuthassan.
3 ,, V. K. Aravindaksha Menon.	3. ,, V. K. Kutty
4. ,, K. Ashtamoorthy Namburipad.	4. ,, P. Sankunny Menon
5. ,, K. Ayyappan.	5. ,, M. Sivarama Menon.
6. ,, A. L. Devassy.	6. ,, P. C. Varkey.
7. ,, A. Eachara Menon.	
8. ,, P. J. George.	
9. ,, P. Govinda Menon.	
10. ,, K. P. Kannan Nayar.	
11. ,, T. K. Nayar.	
12. ,, V. S. Krishna Vaidyar	
13. ,, K. Krishna Warriar.	
14. ,, K. Kunhirama Menon	
15. ,, K. M. Kunhi Moideen.	
16. Mrs. Meenakshi N. Menon.	
17. Mr. I. N. Menon.	
18. ,, K. Narayana Menon.	
19. ,, T. Narayana Menon.	
20. ,, E. F. Norman.	
21. ,, Popatlal Goverdhan Lalan	
22. Dr. D. Raghavendra Rao.	
23. Dr. A. R. Poduval,	
24. Rama Varmha Tampuran.	
25. Mr. T. A. Ramachandra Ayyar.	
26. Dr. A. R. Menon	
27. Mr. A. Sankara Menon	
28. ,, K. S. Panickar.	
29. Mrs. G. M. D'Souza Williams.	
30. Mr. M. A Sankunny	
31. ,, Shabdai S. Koder.	
32. ,, A. Sivarama Menon.	
33. ,, Mr. Thomas Manjuran.	

Motion was therefore carried.

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Mr. President.—The question is that Section 2 stand part of the Bill.

2. Add as Section 5 A the following:—

"Notwithstanding anything to the contrary in any existing Law, Proclamation, Statute, or in the foregoing provisions of this Act Government may, by notification published in the Cochin Government Gazette, impose a license fee, not exceeding three rupees per acre, on all kinds of prawn fishing carried on by any person in any manner in wet lands in his actual possession".

Prawn fishing to be imposed with a license fee.

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—I beg to move the following amendment: "*In section 5 A of the Bill introduce the words 'either by himself directly or through a licensee, between the* words *'carried on by any person' and 'in any manner in wet lands in his actual possession'.*

The amendment is tabled only to make the language a little clearer. It is not a substantive amendment.

Mr. A. Narayana Menon (*Vyttila*).—This is not so innocent as it appears to be. Now landlords let out their lands *on* varam to tenants for cultivation. These varam tenants are in the eye of law regarded to be not in possession of the property, they are more or less regarded as licensees. If a distant land owner lets a property for agriultural purposes on varam and the varam tenants catch prawns, I submit it would be improper to subject the land owner with any tax. So, I oppose the amendment.

മിസ്റ്റർ വി. കെ. കുട്ടി (*Muslims*).— സർ, ഈ ഭേദഗതിയെ ഞാൻ അനുകൂലിക്കുന്നു. എന്തുകൊണ്ടെന്നാൽ സാധാരണ, നിലങ്ങൾ പാട്ടത്തിനു കൊടുക്കുക എന്നുള്ള സമ്പ്രദായം മാത്രമല്ല കൃഷിക്കാരുടെയിടയിൽ നടക്കുന്നതു്; വാരത്തിനു കൊടുക്കുക എന്നുകൂടിയുണ്ടു്. വാരത്തിനു കൊടുക്കുന്നതു് ഓരോ കൊല്ലത്തേക്കു മാത്രമായിരിക്കും. എന്നാൽ ചിലർ നാലും അഞ്ചും കൊല്ലത്തേക്കു കൊടുക്കുന്നുമുണ്ടു്. ഇങ്ങിനെ കൊടുക്കുന്നതു ഓരോ കൊല്ലത്തേക്കു മാത്രമായിരുന്നുവെങ്കിൽ ഈ ഭേദഗതിയുടെ ആവശ്യംവരികയില്ലായിരുന്നു. വാരക്കാരനു് നാലിലൊന്നും അഞ്ചിലൊന്നുമാണു് പങ്കുള്ളതു്. അതായതു് അഞ്ചുപറ നെല്ലുണ്ടെങ്കിൽ ഒരുപറ വാരക്കാരനും നാലുപറ കൃഷിയുടമസ്ഥനുമാണു്. വാരക്കാരനു് കൃഷിയുടെ പ്രവൃത്തിയേയുള്ളൂ. വിത്തുമുതലായതു കൃഷിയുടമസ്ഥനാണു് കൊടുക്കേണ്ടതു്. അങ്ങിനെ നോക്കുമ്പോൾ ഒന്നിലധികം കൊല്ലത്തേക്കു കരാറുചെയ്തു നിലം കൈവശംവച്ചു കൃഷിചെയ്തുകൊണ്ടിരിക്കുന്ന സ്ഥലത്തു് മത്സ്യം പിടിക്കാമെന്നുവെച്ചാൽ കൃഷിയുടമസ്ഥനു വലുതായ ദോ

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ഷം സംഭവിക്കുന്നതായിരിക്കും. മത്സ്യംപിടിത്തംകൊണ്ടു കൃഷിക്കു ദോഷം സംഭവിക്കുന്നുണ്ടു് എന്നു പറയാതെ നിവൃത്തിയില്ല. കൃഷിയെ സംബന്ധിച്ചു കൂടുതൽ പരിചയപ്പെടാൻ സംഗതിയുള്ളതുകൊണ്ടു് മത്സ്യംപിടിത്തം കൃഷിക്കു വലുതായ ദോഷംചെയ്യുമെന്നു എനിക്കു ബോദ്ധ്യമുണ്ടു്. ഗവൺമെൻറുവക ചില നിലങ്ങൾകെട്ടുവാൻ കൊടുക്കുമ്പോൾ തുലോം ഫ്രം-ാംന്നു-മുതൽ മേടംവരെ എന്നു കരാർചെയ്യുക പതിവുണ്ടു്. അങ്ങിനെ ഗവൺമെൻറിൻെറ കൈവശത്തിലിരിക്കുന്ന നിലങ്ങളിലെ കൃഷിക്കു ഒരുപക്ഷെ ദോഷംവരാത്ത നിലയിൽ പ്രവൃത്തിക്കുമായിരിക്കാം. ഒരുപക്ഷേ അങ്ങിനെ ചെയ്തില്ലെങ്കിൽ ഗവൺമെൻറു ഫോഴ്സു ഉപയോഗിച്ചു പ്രവൃത്തിപ്പിക്കുകയും ചെയ്യും. അതുകൊണ്ടു ഗവൺമെൻറിൻെറ കൈവശംവച്ചിരിക്കുന്ന കൃഷിക്കു ദോഷംവരികയില്ലെന്നു ഞാൻ സമ്മതിക്കാം. എന്നാൽ നാടൻസമ്പ്രദായം അങ്ങിനെയല്ല. പാട്ടക്കാരും വാരക്കാരും കൈവശംവച്ചിരിക്കുന്ന നിലങ്ങൾ മീൻകെട്ടിൻെറ സൌകര്യത്തിന്നുവേണ്ടി കൂട്ടിയോജിപ്പിക്കുന്ന പതിവുണ്ടു്. അങ്ങിനെ വരുമ്പോൾ മുൻവശം കെട്ടിക്കിടക്കുന്ന നിലങ്ങൾ കൃത്തിഞ്ഞിറന്നു കൊടുക്കുവാൻ താമസം നേരിടുന്നതായാൽ മറുള്ള കൃഷിക്കാർക്കു ദോഷംവരുമെന്നുള്ളതു തീർച്ചയാണു്. ഇങ്ങിനെ പലതുകൊണ്ടും കൃഷിക്കു ഹാനികരമായ നിലയാണു് മീൻകെട്ടുകൊണ്ടു് ഉണ്ടാകുന്നതു്. ഈ ബിൽ ഇവിടെ പാസാക്കിയിരിക്കുന്ന സ്ഥിതിക്കു് ഇനി കൃഷിക്കു ദോഷം സംഭവിക്കാതിരിക്കാനുള്ള മാർഗ്ഗങ്ങളാണു നോക്കേണ്ടതു്. ഗവൺമെൻറു ആക്കും ലൈസൻസു കൊടുക്കാമെന്നുവെച്ചാൽ എല്ലാവരും ലൈസൻസു വാങ്ങി മീൻപിടിക്കുമെന്നുള്ളതുകൊണ്ടു കൃഷിക്കു വലുതായ ദോഷം സംഭവിച്ചേക്കും. നേരെമറിച്ചു ഉടമസ്ഥന്മാക്കു മാത്രമേ ലൈസൻസു കൊടുക്കുകയുള്ളൂ എന്നുവന്നാൽ കൃഷിക്കു ദോഷം സംഭവിക്കുന്നതല്ല. അതുകൊണ്ടാണു് ഞാൻ ഈ ഭേദഗതിയെ അനുകൂലിക്കുന്നതു്. ഈ ഭേദഗതികൊണ്ടു കൃഷിയുടമസ്ഥന്മാക്കു യാതൊരു ദോഷവും സംഭവിക്കുന്നതല്ല. കൃഷിസംബന്ധമായ കാര്യങ്ങളിൽ ഇടപെട്ടു പ്രവൃത്തിക്കുന്ന പല മെമ്പർമാരും ഇവിടെയുള്ളതുകൊണ്ടു് എനിക്കു ഇതിൽ കൂടുതലായി ഒന്നും പറയാനില്ല.

Mr. A. Sankara Menon (*Trippunithura*).—I do not find anything wrong with this amendment. I should think that the amendment has been wrongly interpreted by the previous speakers. The amendment only means that a person who carries on his business is in active possession and so he himself is liable for the tax. So the amendment is very necessary.

Amendment was put and carried.

Section 2 as amended was put and carried.

Mr. President.—The question is that Section 3 stand part of the Bill

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3. Add as Section 5 B, the following:—

"(a) The Diwan may, with the sanction of His Highness the Maharaja, make rules—

Power to make rules.

(i) Fixing the scale of such license fees.

(ii) Classifying and grouping wet lands for purposes of fixing license fees.

(iii) Regulating the time, manner and extent of prawn fishing in wet lands, and

(iv) Prohibiting prawn fishing altogether, or, except on specified conditions in wet lands, or specified areas.

(b) Such rules, when published in the Cochin Government Gazette, shall have the force of law".

Section 3 was put and carried.

Mr. President.—The question is that section 4 stand part of the Bill.

4. Add as Section 5 C, the following:—

"(a) Whoever, in contravention of Section 6, or, any of the rules framed under Section 7, carries on, causes any other person to carry on prawn fishing in wet lands in his actual possession, shall, in addition to the payment of the prescribed license fees, be punishable with fine which may extend to one hundred rupees and when the breach is a continuing breach, with a further fine, which may extend to ten rupees for every day, after the date of the first conviction during which the breach is proved to have been persisted in.

Penalty for prawn fishing in contravention of the Act and Rules.

(b) Fixed engines erected or used, or other contrivances used, or prawn caught by the use of any such fixed engine or net, including products of such prawn, in contravention of the Section and rules, aforesaid, shall be liable to seizure, forfeiture and removal, by persons empowered by Government to do so, either generally, or, specially".

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—I beg to move the following amendment. *From section 5 C (a) of the Bill delete the words and figures 'Section 6' and 'Section 7' and substitute for them the words and figures 'Section 5 A and Section 5 B' respectively.*

Amendment was put and carried.

Section 4 as amended was put and carried.

Mr. President.—The question is that Section 1 stand part of the Bill.

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1. (i) This Act may be called the Cochin Fisheries (Amendment) Act of 111 .

Short title, extent and commencement. (ii) It extends to the whole of Cochin and shall come into force at once.

Section was put and carried.

Mr. President.—The question is that the title and preamble stand part of the Bill.

THE COCHIN FISHERIES ACT (AMENDMENT) BILL.

Whereas it is expdient to amend the Cochin Fisheries Act, III of 1092,

Preamble. it is hereby enacted as follows:—

Title and preamble were put and carried.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—I beg to move that the Bill may be finally passed to-morrow.

Mr. K. P. Kannan Nayar *(Secretary to Government).*—I second it.

Motion was put and carried.

RESOLUTIONS.

Mr. President.—We shall take up the resolutions, if the House is so inclined.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—There will be practical difficulties. Government side is not prepared as they have no instructions from Government.

Dr. A. R. Menon *(Pallippuram).*—This is the usual practice.

Mr. President.—When on an official day the official business is over, the usual practice is to take up non-official business.

1. Re. Conversion of Land tax into Income-tax.

Mr. A. Eachara Menon *(Chittur Rural).*—Mr. President, Sir, the resolution standing in my name runs thus:—"*This Council recommends to the Government that the present system of land-tax be converted into one of graduated scale of income-tax.*"

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